



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



366634

JUN 07 2010

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Matthew K. Paroly
510 Whitehall Road
Bloomfield Hills, Michigan 48304-2349

Re: Request for Information Pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Meridian Automotive Systems Sites at Certain Locations in Indiana and Ohio

Dear Mr. Paroly:

The U.S. Environmental Protection Agency (EPA or the Agency) seeks your cooperation in providing information and documents relating to the contamination of the following Meridian Automotive Systems Superfund Sites (the Sites):

- * 14123 Roth Road, Grabill, Indiana 46741
- * 501 Northridge Drive, Shelbyville, Indiana 46176
- * 1350 Commerce Drive, Rushville, Indiana 46173
- * 1890 Riverfork Drive, Huntington, Indiana 46750
- * 1020 East Main Street, Jackson, Ohio 45640

We encourage you to give this matter your immediate attention and that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within 30 days of your receipt of this letter. Instructions on how to respond to the questions in Attachment B are described in Attachment A.

As you are aware, EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Sites. EPA has taken response actions at several of the Sites to address the release or threat of release of hazardous substances. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of these substances, and identify activities, materials, and parties that contributed to contamination at the Sites. EPA believes that you might possess information which may assist the Agency in its investigation of the Sites.

The Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.* (commonly referred to as CERCLA or Superfund) gives EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (C) the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Sites, or who may be responsible for the contamination at the Sites, that information should be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn.: Sally Jansen, Enforcement Specialist
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have legal questions concerning this Information Request, please direct them to Eileen Furey (312/886-7950) or Jeff Cahn (312/886-6670) of the Office of Regional Counsel. If you have specific questions about the Information Request, please contact Sally Jansen at (312) 353-9046.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,



William D. Messenger
Chief
Emergency Enforcement Services Section

Enclosures

cc: Robert W. Darnell
Environment and Natural Resources Division
Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

ATTACHMENT A

MERIDIAN AUTOMOTIVE SYSTEMS, INC. SITES:

14123 Roth Road, Grabill, Indiana 46741
501 Northridge Drive, Shelbyville, Indiana 46176
1890 Riverfork Drive, Huntington, Indiana 46750
1020 East Main Street, Jackson, Ohio 45640
1350 Commerce Drive, Rushville, Indiana 46173

INSTRUCTIONS AND DEFINITIONS FOR INFORMATION REQUEST

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Each Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42.U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the

information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical information, and similar information, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

9. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

10. The term "**Site**" shall mean one of the properties identified below, all of which were formerly owned and/or operated by Meridian Automotive Systems, Inc. (collectively, the "**Sites**"):

- * 14123 Roth Road, Grabill, Indiana 46741
- * 501 Northridge Drive, Shelbyville, Indiana 46176
- * 1350 Commerce Drive, Rushville, Indiana 46173
- * 1890 Riverfork Drive, Huntington, Indiana 46750
- * * 1020 East Main Street, Jackson, Ohio 45640

11. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

12. The term "**you**" or "**Respondent**" shall mean Meridian Automotive Systems, Inc. The term "you" also includes any officer, manager, employee, contractor, trustee, successor, assign, or agent of Meridian Automotive Systems, Inc.

ATTACHMENT B

MERIDIAN AUTOMOTIVE SYSTEMS, INC. SITES:

14123 Roth Road, Grabill, Indiana 46741

501 Northridge Drive, Shelbyville, Indiana 46176

1890 Riverfork Drive, Huntington, Indiana 46750

1020 East Main Street, Jackson, Ohio 45640

1350 Commerce Drive, Rushville, Indiana 46173

INFORMATION REQUEST TO MERIDIAN AUTOMOTIVE SYSTEMS, INC. (Meridian)

Please respond to the following questions for each of the properties identified above, which were formerly owned and/or operated by Meridian Automotive Systems, Inc. (collectively, the "Sites"):

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request, or who may be able to provide additional responsive documents, identify such persons.
3. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, who may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.
4. At the time Meridian acquired or occupied the Site, did you know or have reason to know that any hazardous substance was disposed of, on or at the Site? Describe all assessments/investigations of the Site that Meridian undertook prior to acquiring or occupying the Site. Provide copies of any and all reports prepared by Meridian or any other person concerning such pre-acquisition or pre-occupation investigations.
5. To the extent not provided in response to Information Request #4, above, provide copies of any and all reports in your possession regarding environmental conditions at the Site at any time.
6. To the extent not already provided to U.S. EPA and/or the U.S. Department of Justice, provide copies of all insurance policies that covered the Site for any period of time during which Meridian owned and/or operated at the Site, including all property, casualty and/or liability insurance policies (including, without limitation, all primary, excess, and umbrella policies), and any other insurance contracts referencing the Site (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance).